

SENATE BILL 65

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SB 604/02 - EHE

2003 Regular Session
3r1041

By: **Senator Hafer**

Introduced and read first time: January 20, 2003

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: February 14, 2003

CHAPTER _____

1 AN ACT concerning

2 **Public Safety - Allegany County - Director of Emergency Management**

3 FOR the purpose of requiring the director of emergency management in Allegany
4 County to be an employee of Allegany County and not appointed by the
5 Governor; and generally relating to the organization of local emergency
6 management in Allegany County.

7 BY repealing and reenacting, with amendments,
8 Article - Public Safety
9 Section 14-109
10 Annotated Code of Maryland
11 (As enacted by Chapter ____ (S.B. 1) of the Acts of the General Assembly of 2003)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Public Safety**

15 14-109.

16 (a) Each political subdivision shall:

17 (1) establish a local organization for emergency management in
18 accordance with the State emergency management plan and program; and

19 (2) participate in federal programs for emergency management.

1 (b) (1) (I) [On] EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH,
2 ON recommendation of the mayor, executive, or governing body of the political
3 subdivision, the Governor shall appoint a director of emergency management for each
4 local organization for emergency management.

5 (II) IN ALLEGANY COUNTY, THE DIRECTOR OF EMERGENCY
6 MANAGEMENT SHALL BE HIRED IN ACCORDANCE WITH THE PERSONNEL POLICY
7 AND PROCEDURES OF THE COUNTY AND SHALL BE AN EMPLOYEE OF THE COUNTY.

8 (2) Each director of a local organization for emergency management is
9 directly responsible for the organization, administration, and operation of the local
10 organization for emergency management.

11 (3) Each director of a local organization for emergency management is
12 subject to the direction and control of the mayor, executive, or governing body of the
13 political subdivision, under the general power of the Governor.

14 (c) (1) Subject to the budget of the political subdivision, each local
15 organization for emergency management shall include those programs and positions
16 recommended periodically by MEMA to meet federal and State standards.

17 (2) (i) In a county in which there is a local merit system or classified
18 service for the general employees of the county, the employees and officers of the local
19 organization for emergency management are included in and subject to all rights,
20 duties, privileges, and responsibilities of that system or service.

21 (ii) Subparagraph (i) of this paragraph does not apply to the
22 director of the local organization for emergency management.

23 (3) (i) If a county does not have a local merit system or classified
24 service, the governing body of the county, or the board of estimates of Baltimore City,
25 may include by regulation the employees and officers of the local organization for
26 emergency management in the classified service of the State Personnel Management
27 System.

28 (ii) Subparagraph (i) of this paragraph does not apply to the
29 director of the local organization for emergency management.

30 (iii) 1. Except as otherwise provided by law, during the effective
31 period of the regulation the employees and officers are subject to the rights, duties,
32 privileges, and responsibilities of Division I of the State Personnel and Pensions
33 Article.

34 2. The governing body of the county or the Mayor of
35 Baltimore is the appointing officer under Division I of the State Personnel and
36 Pensions Article.

37 (4) Paragraph (3) of this subsection does not remove from the governing
38 body of a county or from the Mayor and City Council of Baltimore the power to
39 establish and regulate the compensation, vacation allowance, or sick leave of all

1 employees and officers of the local organization for emergency management in the
2 county or Baltimore City.

3 (d) Each political subdivision may make appropriations in the manner
4 provided by law to pay the expenses of its local organization for emergency
5 management.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect October 1, 2003.